THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 35003 OF 1998

Dated 4th April, 2007

Between:

Peddinti Venkata Narasimhacharyulu
and others.

…Petitioners

And

Gram Panchayat, Jonnada village,
Alamuru Mandal, East Godavari District
and others.

…Respondents.

ORAL ORDER:

In this writ petition, petitioners seek a writ of mandamus to declare the action of the respondents 1 and 2 in taking steps to dispossess the petitioner from their respective lands admeasuring 0.86 cents in S.No.271, Ac.2.50 cents in S.No.267/3, Ac. 2.64 cents in S.No.289/3 of first and second petitioners, 0.45 cents in S.No. 269/2 and 4 of 3rd petitioner, Ac. 1.52 cents in S.No. 270/2 to 7 of 4th and 5th petitioners situated at Jonnada village, Alamuru Mandal, East Godavari District, as illegal and arbitrary.

In the affidavit filed in support of the writ petition, it is stated that the petitioners are owners and possessors of the land in question and that they derived the subject land from their fathers by name, Sobhanadreeswaryulu and Venkatacharyulu. It is stated that as per the Settlement dated 25.4.1963, petitioners' fathers were allotted these lands to their share and the petitioners succeeded to the said lands and are in actual physical possession of the same. It is the grievance of the petitioners that respondents 1 and 2 had inspected the lands in the first week of December, 1998 and instructed the petitioners to give up their possession. Hence, this writ petition.

At the stage of admission, this court granted interim orders on 22.12.1998. The said orders continued all along and no counter affidavit is filed on behalf of the respondents so far.

Except the allegation stated in the affidavit, there is no other material in support of the allegation of the petitioners that there is interference with the possession of the petitioners. In that view of the matter, no direction can be given as sought for. However, the

respondents are directed not to deprive the petitioners of their lands as otherwise than by due process of law.

Subject to above direction, the writ petition is disposed of. No costs.

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4-4-2007

R.SUBHASH REDDY, J.

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